RCMP EXTERNAL REVIEW COMMITTEE

2012-13

Report on Plans and Priorities

The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety

Table of Contents

Chair's Message 1

Section I: Organizational Overview 3
- Raison d'être and Responsibilities 3
- Strategic Outcome and Program Activity Architecture (PAA) 4
- Organizational Priorities 4
- Risk Analysis 6
- Planning Summary 6
- Expenditure Profile 7
- Estimates by Vote 8

Section II: Analysis of Program Activities by Strategic Outcome 9
- Strategic Outcome 9
- Program Activity - Independent and impartial case review 9
- Program Activity - Internal Services 11
- Planning Highlights 11

Section III: Supplementary Information 13
- Financial Highlights 13
- Future-oriented Financial Statements 13
- Supplementary Information Tables 14

Section IV: Other Items of Interest 15
- Organizational Contact Information 15

Chair's Message

The RCMP External Review Committee (ERC) is an administrative tribunal that is separate from and independent of the Royal Canadian Mounted Police (RCMP). The ERC is established within the *RCMP Act,* the same statute that establishes the RCMP itself. This legislation also forms the basis for the Force's internal employment dispute resolution process. These details are left to the Commissioner of the RCMP to design and outline through Commissioner's Standing Orders which have the force of subordinate law.

The independent role of the ERC is integrated into the dispute resolution process as a measure for transparency, allowing members of the public to witness that important employment decisions are taken in consideration of developing case law in similar professions and with regard to community standards.

The ERC provides the Commissioner of the RCMP with legally sound recommendations that take into account the realities of a national police force and that meet the expectations of Canadians.

Sincerely,

Catherine Ebbs
Chair

March 19, 2012

Section I: Organizational Overview

Raison d'être and Responsibilities

The RCMP External Review Committee (ERC) is an independent and impartial agency that aims to promote fair and equitable labour relations within the RCMP, in accordance with applicable principles of law. To this end, the ERC conducts an independent review of appeals in disciplinary, and discharge and demotion matters, as well as certain categories of grievances that are referred to it pursuant to s. 33 of the *RCMP Act* and s. 36 of the *RCMP Regulations*. The ERC reports directly to Parliament through the Minister of Public Safety. The ERC's jurisdiction is restricted to employment and labour matters that relate to regular members and civilian members of the RCMP only. In carrying out its mandate, the ERC ensures that its recommendations are solidly grounded in law and that members of the RCMP are treated in a fair and equitable manner, in keeping with the public interest.

The ERC has one sole member, the Chair, who is appointed by an Order in Council, and is supported by an Executive Director and a small staff. The role of the ERC in the Force's labour/management resolution process is a crucial one. Over the years, the RCMP has made changes in a variety of areas based on recommendations made by the ERC.

As one of two oversight/review bodies over the RCMP, the ERC plays an important role in maintaining public confidence in the RCMP and ensures that it respects the law and human rights.

The ERC is part of the Public Safety's portfolio. Simply put, the ERC's mandate is the independent and impartial review of grievances as well as appeals that involve the discipline, discharge and demotion of RCMP members. Upon completing its review of a case, the ERC presents findings and recommendations to the Commissioner of the RCMP for a final decision. The Commissioner is not bound by the recommendations of the ERC, but the Commissioner must provide reasons when there is disagreement with the recommendations of the ERC.

Strategic Outcome and Program Activity Architecture (PAA)

Program Activity Architecture

Strategic Outcome
Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals.
Program Activity
Independent and impartial case review
Internal Services

Internal Services

In fiscal year 2009-10, the Program Activity 'Internal Services' was appended to the ERC's PAA. As a result of its experience in attempting to meet the reporting requirements, the ERC determined that its uniquely small size made the reporting of this Program Activity particularly inaccurate. The related expenditures could not be reliably apportioned between program activities without an inordinate expenditure of resources on an ongoing basis.

The Treasury Board of Canada Secretariat (TBS) has granted the ERC an exemption from reporting on financial commitments to Internal Services as a separate Program Activity in 2009-10 and 2010-11. The ERC's circumstances remain largely unchanged, so this report will continue to present information indicating that the ERC has a single, distinct program activity.

Organizational Priorities

Priority 1	Type	Strategic Outcome and Program Activity
Continue to deliver on statutory mandate	ongoing	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals. Independent and impartial case review.
Status		
Why is this a priority? • Contributes to the ERC's overriding priority to review cases and make sound recommendations to the Commissioner of the RCMP in an expeditious manner. **Plans for meeting the priority** Longer-term strategic planning and streamlining of processes to continue to improve on service delivery.		

Priority 2	Type	Strategic Outcome
Raise awareness through Outreach	ongoing	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals.

Status

Why is this a priority?

- The educational role the ERC plays contributes in a proactive way to a better understanding of grievance administration and discipline, and discharge and demotion appeals.

Plans for meeting the priority

Providing key stakeholders with information on process, findings and recommendations of the ERC.
Providing training where possible on labour relations.
Engaging the RCMP to further develop its governance framework.

Priority 3	Type	Strategic Outcome
Continue to invest in our people	ongoing	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals.

Status

Why is this a priority?

- ERC places a priority on integrating the vision and intent of Public Service Renewal into its day-to-day activities.

Plans for meeting the priority

Providing time and resources towards training and education that enhance existing skills and contribute toward current capacity building, and longer term career objectives of staff.

Priority 4	Type	Strategic Outcome
Continue to improve on the corporate management framework and infrastructure	ongoing	Independent, impartial and thorough analysis, findings and recommendations for transparency in RCMP grievances and appeals.

Status

Why is this a priority?

- ERC remains committed to meeting government-wide management and accountability priorities.

Plans for meeting the priority

Stabilizing corporate management framework and infrastructure based on available resources.
Continuing to develop MOUs for IM/IT, HR, and transactional financial support.

Risk Analysis

Since about 2003-04, the ERC has struggled with a growing number of outstanding cases and with the demand for increased corporate reporting. Temporary funding was secured in 2006-07 from the Treasury Board Management Reserve to help alleviate its critical backlog of cases. This funding envelope closed in 2011-12. A second amount was secured from the Management Reserve in 2007-08 to address corporate management pressures. This second funding envelope closed at the end of the 2008 calendar year. A third temporary funding envelope was secured starting in 2009-10. It also closed in 2011-12. The challenges related to the volume of pending cases and the time necessary to review them will continue beyond 2012.

The ERC has followed its established operational plans pursuant to its approved funding from the Treasury Board for the consolidation of its office space and limited additional temporary staffing and professional service agreements.

In addition to case reviews, the ERC's workload also includes significant reporting and corporate requirements. Given its small size and budget, the ERC is unable to employ staff with special expertise in the variety of reporting areas required. Therefore the ERC frequently re-assigns operational staff to work on unrelated corporate reports. These added reporting pressures have, at times, contributed to delays in the case review process.

Planning Summary

Financial Resources ($ thousands)

2012-13	2013-14	2014-15
938	938	938

Human Resources (Full-Time Equivalent - FTE)

2012-13	2013-14	2014-15
7	7	7

Planning Summary Table

Strategic Outcome: Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals.	
Performance Indicator	**Target**
Proportion of stakeholders who believe that the ERC is independent, impartial and brings transparency in the RCMP grievance and appeal processes.	90%

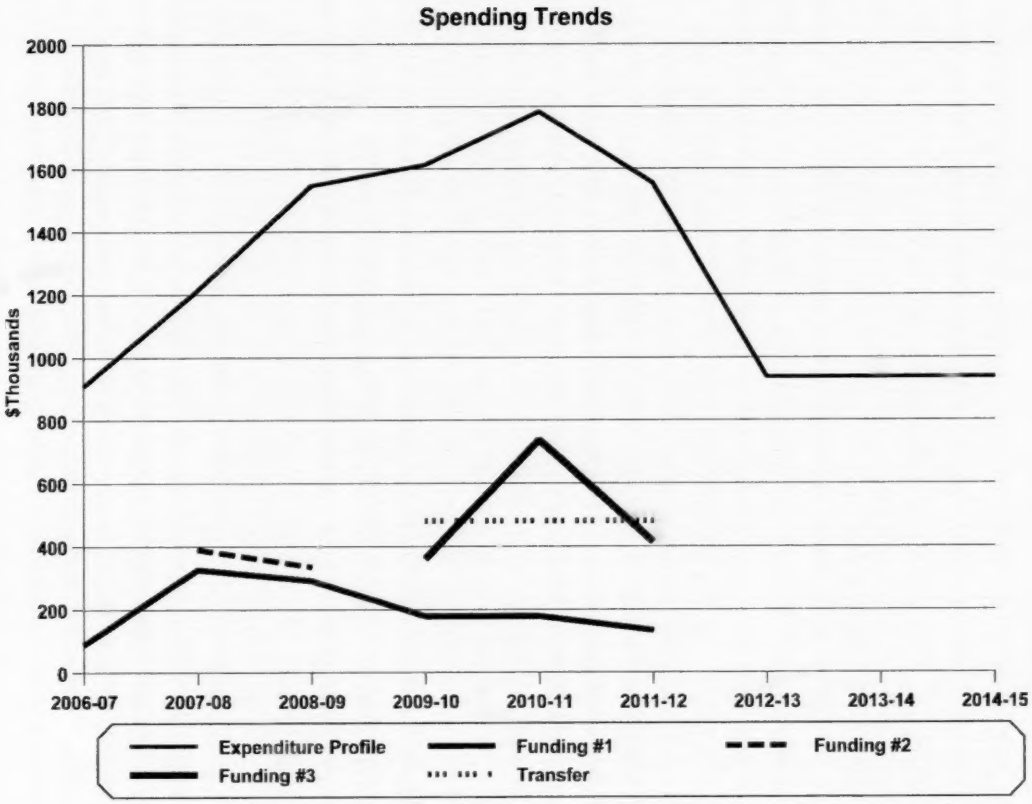
Program Activity	**Forecast Spending 2011-12 ($thousands)**	**Planned Spending ($thousands)**			**Alignment to Government of Canada Outcomes**
		2012-13	**2013-14**	**2014-15**	
Independent and impartial case review	1,556	938	938	938	Well-managed and efficient government operations
Total Planned Spending	**1,556**	**938**	**938**	**938**	

Internal Services *	**Forecast spending 2011-12 ($thousands)**	**Planned Spending ($thousands)**		
		2012-13	**2013-14**	**2014-15**
	0	0	0	0

* The ERC has sought to continue its exemption from reporting separately on Internal Services expenditures.

Expenditure Profile

In the following graph, the black line represents the ERC's overall expenditure profile. The grey line represents the first Management Reserve funding envelope secured in 2006-07 to address the critical backlog of cases at the ERC, which closed in 2011-12. The broken black line represents the second funding envelope from the Treasury Board Management Reserve secured in 2007-08 to accommodate corporate management pressures, which closed at the end of the 2008 calendar year. The thick black line represents the third temporary funding envelope approved in the 2009-10 fiscal year, which also closed in 2011-12. The dotted black line represents the transfer of funding received from contract policing partners in support of the ERC operations which ended in 2011-12. The ERC has been seeking to secure permanent funding for 2012-13 onwards to accommodate the continuing effort on the part of the ERC to stay current with the rate of cases referred to the ERC and to further reduce the waiting time.



Estimates by Vote

For information on ERC's organizational appropriations, please see the 2012-13 Main Estimates publication. An electronic version of the Main Estimates is available at http://www.tbs-sct.gc.ca/est-pre/index-eng.asp.

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals.

Program Activity - Independent and impartial case review

Program Activity Description

The ERC conducts an independent review of appeals in disciplinary, and discharge and demotion matters, as well as certain categories of grievances that are referred to it by the Commissioner of the RCMP pursuant to s. 33 of the *RCMP Act* and s. 36 of the *RCMP Regulations*. The ERC ensures that the principles of administrative and labour law are respected and that the remedial approach indicated by the *Act* is followed. The ERC issues reports of its findings and recommendations in each case to the Commissioner of the RCMP and to the parties. Access to the ERC's reports is made available to all stakeholders (including the parties, RCMP adjudicators, supervisors, members' representatives, staff relations representatives, and labour and employment experts in other jurisdictions) by means of its website, publications and presentations.

Financial Resources ($ thousands)

2012-13	2013-14	2014-15
938	938	938

Human Resources (Full-Time Equivalent - FTE)

2012-13	2013-14	2014-15
7	7	7

Program Activity Expected Results

Program Activity Expected Results	Performance Indicators	Targets
Parties and RCMP Commissioner are provided with a timely independent review of the dispute to facilitate transparent and accountable dispute resolution.	Percentage of cases where findings and recommendations are issued, subject to party's right to withdraw.	100% of referred files, subject to party's right to withdraw
A body of findings and recommendations is made available to assist RCMP Adjudicators, parties, RCMP staff representatives to interpret legislation, regulations and policy.	Body of findings and recommendations is updated quarterly and made available online.	Updated within 2 months of end of quarter.
Public and Parliamentarians are advised of any areas for legislative, regulatory or policy change/ clarification.	All recommendations for legislative change/clarification, if any, are provided to Parliament in annual report.	Annual report submitted before June 30 of each year.
The public and RCMP labour relations stakeholders have access to timely and accurate information on employment and labour relations cases referred by the RCMP to the ERC.	Proportion of stakeholders with access to ERC reports.	94% have access to ERC reports.

The ERC can dispose of matters referred to it by the Commissioner of the RCMP either on the basis of the material in the record or following a hearing. In conducting its review of the matters referred to it, the ERC attempts to achieve timeliness and quality in its recommendations, and a balance amongst the many complex and different interests involved. It strives to ensure that the principles of administrative and labour law are respected and that the remedial approach indicated by the *RCMP Act* is followed. In each case, the ERC must consider the public interest and ensure that members of the RCMP are treated in a fair and equitable manner.

The ERC ensures that its findings and recommendations in each case are clearly explained for the concerned parties and the Commissioner of the RCMP. Summaries of the findings and recommendations in each case, as well as articles of interest on the role of the ERC, relevant legal principles and information on related issues, are distributed widely. Communication and outreach tools include: a quarterly publication (*Communiqué*), including the most recent case summaries, updates, and legal principles; a website with timely inclusion of publications and case summaries; the annual report and other government accountability documents; and presentations, meetings, training and other outreach activities.

The ERC strives to make information available in a timely and accessible manner, with the objective of influencing in a positive way the RCMP labour relations environment, and contributing knowledge and ideas to the disciplines of administrative, employment, and labour law.

The ERC's focus on effectiveness and efficiency in both its case review process and management functions will assist it to achieve these results. The statutory mandate of the ERC in the *RCMP Act* is case review. It is in this respect that this Program Activity contributes to the Strategic Outcome.

Program Activity - Internal Services

As indicated above, the Program Activity 'Internal Services' was appended to the ERC's PAA in fiscal year 2009-10. As a result of its experience in attempting to meet the reporting requirements, the ERC determined that its uniquely small size made the reporting of this Program Activity particularly inaccurate. The related expenditures could not be reliably apportioned between program activities without an inordinate expenditure of resources. The TBS agreed with the ERC's assertion and it granted the ERC an exemption from reporting on financial commitments to Internal Services as a separate Program Activity in that year and the next. The ERC's circumstances remain largely unchanged, so this report will continue to present information indicating that the ERC has a single, distinct program activity.

Planning Highlights

Historical Operating Environment

The strategic outcome of the ERC is the "*Independent, impartial and thorough analysis, findings and recommendations for transparency in Royal Canadian Mounted Police (RCMP) grievances and appeals.*" The ERC is an independent arms-length agency created under the *RCMP Act*. The focus of the ERC's work is the impartial, independent and timely review of RCMP labour relations cases referred to it and the timely issuance of recommendations to the Commissioner of the RCMP.

As a very small agency, the ERC has one member who is both the Chair and Chief Executive Officer. She has been re-appointed by the Governor in Council for a term of one year, starting November 1, 2011. Under the *Act*, anyone who sits on the ERC cannot be a member or former member of the RCMP.

By law, the ERC's case review process starts when the Commissioner of the RCMP refers a case to it. The ERC itself cannot initiate a review without a referral from the Commissioner. The cases that must be referred are described in the *RCMP Act* and include disciplinary appeals, discharge and demotion appeals and certain categories of grievances. When the ERC conducts a case review, it examines the entire record including: the original documents, the decision made,

and the submissions of the parties. Where the review involves the appeal of a disciplinary, or discharge or demotion decision, the transcript of the Adjudication Board hearing is also before the ERC, as well as any exhibits entered at the hearing. The ERC reviews all the evidence, legal issues, relevant legislation and judicial decisions in making its recommendation. After consideration of all the issues, the ERC provides findings and recommendations to the Commissioner of the RCMP, who is the final decision-maker.

The expeditious handling of cases referred to the ERC is fundamental to maintaining its integrity and credibility in carrying out its statutory mandate. The ERC routinely deals with, and must respond to, significant fluctuations in workload, as it has no control over the number of cases that are referred to it. The ERC has adopted a number of case management practices to ensure that its review process is as expeditious as possible and to enhance the quality of its findings and recommendations.

The ERC is committed to continuing its quality case reviews as long as required and to supporting any future form of labour relations structure that may be designed.

Section III: Supplementary Information

Financial Highlights

The complete ERC's future-oriented financial statements can be found on its website at the following address: http://www.erc-cee.gc.ca/index-eng.aspx.

Future-oriented
Condensed Statement of Operations

For the Year (ended March 31)
(in dollars)

	$ Change	Forecast 2012-13	Estimated Results 2011-12
Total Expenses	($1,047,166)	$1,184,677	$2,231,843
Total Revenues	$1	$6	$5
Net Cost of Operations	**($1,047,167)**	**$1,184,671**	**$2,231,838**

Future-oriented
Condensed Statement of Financial Position

For the Year (ended March 31)
(in dollars)

	$ Change	Forecast 2012-13	Estimated Results 2011-12
Total Assets	($105,189)	$208,377	313,566
Total Liabilities	($33,328)	$340,274	373,602
Equity	($71,861)	($131,897)	(60,036)
Total	**($549,105)**	**$208,377**	**313,566**

The ERC's Risk Analysis revolves primarily around its fluctuating funding level. This poses a challenge for long term forecasting and planning. Until such stability is achieved, the variances in actual expenditures per quarter from one year to the next will continue to be relatively considerable. The ERC will continue to pursue a permanent increase in its reference level.

Supplementary Information Tables

1. Greening Government Operations
2. Upcoming Internal Audits over the next three fiscal years

All electronic supplementary information tables in the 2012-13 Report on Plans and Priorities can be found on the Treasury Board of Canada Secretariat's web site at: http://www.tbs-sct.gc.ca/est-pre/index-eng.asp.

Section IV: Other Items of Interest

Organizational Contact Information

RCMP External Review Committee P.O. Box 1159, Station B Ottawa, ON K1P 5R2 Tel: 613-998-2134 Fax: 613-990-8969 Website: www.erc-cee.gc.ca E-mail: org@erc-cee.gc.ca	RCMP External Review Committee Annual Reports RCMP External Review Committee *Communiqué*